

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
No. 1:23-cv-00423-WO-JLW

TIMIA CHAPLIN; KEVIN SPRUILL;
ROTESHA MCNEIL; QIANA ROBERTSON;
YOUSSEF JALLAL; MESSIEJAH BRADLEY;
PAULINO CASTELLANOS; ROBERT
LEWIS; AND ALLEN SIFFORD, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

WILLIE R. ROWE, in his official capacity as
the Sheriff of Wake County; BRIAN ESTES,
in his official capacity as the Sheriff of Lee
County; THE OHIO CASUALTY
INSURANCE COMPANY, as the surety for
the Sheriff of Wake County and as surety for
the Sheriff of Lee County; TYLER
TECHNOLOGIES, INC.; NORTH
CAROLINA ADMINISTRATIVE OFFICE OF
THE COURTS; RYAN BOYCE, in his official
capacity as the Executive Director of the North
Carolina Administrative Office of the Courts;
BRAD FOWLER, in his official capacity as the
eCourts Executive Sponsor and Chief Business
Officer of the North Carolina Administrative
Office of the Courts; BLAIR WILLIAMS, in
his official capacity as the Wake County Clerk
of Superior Court; SUSIE K. THOMAS, in her
official capacity as the Lee County Clerk of
Superior Court; JOHN DOE SURETY, as the
surety for the Wake County Clerk of Superior
Court and the Lee County Clerk of Superior
Court; and DOES 1 THROUGH 20,
INCLUSIVE,

Defendants.

**MOTION TO DISMISS
PLAINTIFFS' FIRST
AMENDED COMPLAINT OF
DEFENDANT BRIAN ESTES,
IN HIS OFFICIAL
CAPACITY AS SHERIFF
OF LEE COUNTY**

Defendant Brian Estes, in his official capacity as Sheriff of Lee County, by and through the undersigned counsel, hereby moves the Court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss all claims asserted against him in Plaintiffs' First Amended Complaint.

As grounds for this motion, defendant Brian Estes, in his official capacity as Sheriff of Lee County, would show the Court that the Plaintiffs' First Amended Complaint (Doc. 30) fails to state a claim upon which relief can be granted as to defendant Brian Estes in his official capacity as Sheriff of Lee County. Further grounds for this motion are set forth in Defendant Estes' brief, which is being filed contemporaneously with this motion.

WHEREFORE, Defendant Brian Estes, in his official capacity as Sheriff of Lee County, respectfully submits that his motion to dismiss should be granted.

Respectfully submitted, this the 6th day of December, 2023.

/s/ James R. Morgan, Jr.
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Attorney for Defendant Brian Estes

CERTIFICATE OF SERVICE

I hereby certify that on December 6, 2023, I electronically filed the foregoing **MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED COMPLAINT OF DEFENDANT BRIAN ESTES, IN HIS OFFICIAL CAPACITY AS SHERIFF OF LEE COUNTY** with the Clerk of Court using the CM/ECF system, which will send notification of the filing to all Counsel of record.

/s/ James R. Morgan, Jr.

James R. Morgan, Jr.

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